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Attorneys for Defendant,
 CLARKE MOSQUITO CONTROL PRODUCTS, INC.,
 erroneously sued as Clarke Mosquito Control, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MICHELLE MILLER,)	CASE NO. C 05 00203 JSW
)	
Plaintiff,)	VIA E-FILING
)	
v.)	STIPULATION TO EXTEND ALL
)	LITIGATION DATES; AND PROPOSED
CLARKE MOSQUITO CONTROL, an Illinois)	ORDER
Corporation; DOW CHEMICAL dba DOW)	
AGROSCIENCES, an Indiana Corporation;)	
DOES 1 to 40, inclusive,)	
)	
Defendants.)	

TO THE COURT AND ALL ATTORNEYS OF RECORD:

Plaintiff MICHELLE MILLER ("Plaintiff") alleges both an action for negligence and products liability. Plaintiff alleges that she was exposed to Mosquito Mist and as a result was injured. Mosquito Mist is a larvicide that Defendant CLARKE MOSQUITO CONTROL PRODUCTS, INC. ("Clarke Mosquito") formulated and distributed. Plaintiff contends that among other things, Clarke Mosquito had knowledge of the hazards to humans, and by not adequately warning of the dangers of the product, it breached its duty of care to Plaintiff. She contends she was exposed to Mosquito Mist while living in the Cayman Islands. The application of Mosquito Mist was allegedly done by the Mosquito Control Research Unit ("MCRU"), a division of the Cayman Islands' government.

During the course of its investigation, Clarke Mosquito discovered evidence that plaintiff may have been exposed to another mosquito abatement product, commonly known as Aqua Reslin

(active ingredient Permethrin) on the date of the incident that gives rise to this litigation. Aqua Reslin is manufactured by Aventis Environmental Sciences USA LP which is a wholly owned subsidiary of Bayer Industries (German company) and distributed by ADAPCO (Sanford, Florida).

Defendant Clarke Mosquito has filed a Motion to Implead Bayer Industries, Aventis Environmental Sciences USA LP and ADAPCO. The Motion to Implead is currently on calendar for June 30, 2006. Assuming the Court grants the motion, three additional new parties will be added to this case by July 2006.

As instructed by the Court, the parties participated in a Pre-Mediation Conference on May 10, 2006 with assigned Mediator Nancy Foster. The parties informed Mediator Foster of the Motion to Implead and the parties intent to request an extension of the discovery dates. Based on the parties representation, Mediator Foster has not scheduled a Mediation date.

For the foregoing reasons, it is respectfully requested that all dates be continued for an additional 90 days.

The following are the current litigation dates that are set in this matter:

- | | |
|---|--------------------|
| 1. Mediation cut-off date : | June 30, 2006 |
| 2. Fact/Discovery cut-off date: | July 14, 2006 |
| 3. Further Case Management Conference: | August 4, 2006 |
| 4. Plaintiff's Expert Reports Disclosure: | September 15, 2006 |
| 5. Last day to hear dispositive motions: | September 22, 2006 |
| 6. Defendant's Expert Reports Disclosure: | October 20, 2006 |
| 7. Pre-trial Status Conference: | November 20, 2006 |

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8. Trial:

December 11, 2006

Dated: May 23, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

By 
Steven G. Gatley, Esq.
Attorneys for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC.

Dated: May 30, 2006

CHUHAK & TECSON

By 
David J. Tecson, Esq.
Sanjay Shivpuri, Esq.
Attorneys Pro Hac Vice for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC.

Dated: May __, 2006

LAW OFFICES OF ROGER RUBIN

By _____
Roger Rubin, Esq.
Attorneys for Plaintiff
MICHELLE MILLER

[PROPOSED] ORDER

Based upon the Stipulation by and between Plaintiff and Clarke Mosquito, it is ordered that the parties shall have an extension of the scheduled litigation dates as follows:

1. The Mediation cut-off date of June 30, 2006 is continued to: _____
2. The Fact cut-off date of July 14, 2006 is continued to: _____
3. The Further Case Management Conference of August 4, 2006 at 1:30 p.m. is continued to: _____
4. Plaintiff's Expert Reports previously due on September 15, 2006 are now due on: _____
5. Last day to hear dispositive motions is continued from September 22, 2006 to: _____

4832-2124-3905.1

8. Trial:

December 11, 2006

Dated: May 23, 2006

LEWIS BRISBOIS BISGAARD & SMITH LLP

By

Steven G. Garley, Esq.
Attorneys for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC.

Dated: May __, 2006

CHUHAK & TECSON

By

David J. Tecson, Esq.
Sanjay Shivpuri, Esq.
Attorneys Pro Hac Vice for Defendant
CLARKE MOSQUITO CONTROL PRODUCTS, INC

Dated: May 24, 2006

LAW OFFICES OF ROGER RUBIN

By

Roger Rubin, Esq.
Attorneys for Plaintiff
MICHELLE MILLER

[PROPOSED] ORDER

Based upon the Stipulation by and between Plaintiff and Clarke Mosquito, it is ordered that the parties shall have an extension of the scheduled litigation dates as follows:

1. The Mediation cut-off date of June 30, 2006 is continued to: _____
October 6, 2006
2. The Fact cut-off date of July 14, 2006 is continued to: _____
October 20, 2006
3. The Further Case Management Conference of August 4, 2006 at 1:30 p.m. is continued to: _____
January 12, 2007 at 9:00 a.m.
4. Plaintiff's Expert Reports previously due on September 15, 2006 are now due on: _____
December 15, 2006
5. Last day to hear dispositive motions is continued from September 22, 2006 to: _____
January 12, 2007 at 9:00 a.m.

4832-2124-3903.1

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STIPULATION TO EXTEND ALL LITIGATION DATES; AND [PROPOSED] ORDER

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6. Defendant's Expert Reports previously due on October 20, 2006 are now due on:

February 9, 2007

7. The Pre-trial Status Conference of November 20, 2006 at 2:00 p.m. is continued to:

March 5, 2007 at 2:00 p.m.

8. The Trial currently set for December 11, 2006 is now continued to:

April 2, 2007 at 8:30 a.m.

IT IS FURTHER ORDERED:

Dated: June 1, 2006


Honorable Jeffrey S. White

LEWIS BRISBOIS BISGAARD & SMITH LLP

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